IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 25816 of 2006(W)

PETITIONER:

THE CHERTHALA TALUK PRIMARY TEACHERS
CO-OPERATIVE SOCIETY LTD.NO.A.272,
CHERTHALA P.O., REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:

THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (ADMINISTRATION), CHERTHALA.

BY GOVERNMENT PLEADER, SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 TRUE COPY OF THE PETITION FOR RESTORATION FILED IN FILE NO.1124/2004 BEFORE THE RESPONDENT DATED 19/09/2006

EXT.P2 A TRUE COPY OF THE ORDER DATED 20/09/2006 ISSUED BY THE RESPONDENT.

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 25816 of 2006 (W)

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Dated this the 20th day of December, 2006

J U D G M E N T

The writ petitioner, a Primary Teachers Co-operative Society, was before the Arbitration Court, Cherthala, through A.R.C.No.1124/2004. Proceedings were dismissed for default. Therefore, the writ petitioner filed Exhibit P1 application, dated 19/09/2006 for restoration of the dismissed arbitration case. However, as per Exhibit P2 dated 20/09/2006, the respondent had dismissed Exhibit P1, holding that there is no provision for restoration of a matter before the Arbitration Court.

2. I have heard the arguments advanced by the learned counsel for the writ petitioner as well as the Senior Government Pleader while disposing of W.P.(C) No.30366/2006. I have considered the inherent powers of the Quasi Judicial Agencies dispensing justice and held, basing on the decisions of **Deputy Conservator vs. Sarojini** [1981 KLN 28]; **Cheru Ouseph vs. Kunjipathumma** [1981 KLT 495]; **Thankam R.Pillai vs. Arbitrator** [1996(1) KLT 225]; **Paul vs.Assistant Registrar** [1998 (2) KLT 449]. It was held that the

Administrative Tribunal and other Quasi Judicial Agencies dispensing justice, are having inherent jurisdiction to restore the matters dismissed for default, to carry out such corrections which would not change the characteristics of the award passed or to implement its own judgments, awards or orders, so as to give justice to the parties to the proceedings.

3. In view of the above legal principles and the facts that are placed before me, I set aside Exhibit P2, dated 20/09/2006.

4. I restore A.R.C.No.1124/2004, on the file of the respondent. Immediately, on production of a copy of this judgment, the respondent shall hear both sides and proceed with the matter and dispose of the same, as per the law.

This writ petition is allowed as above.

(J.M.JAMES)
Judge

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